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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,703	07/22/2003	Maximilian Bossecker	076326-0258	4923

22428 7590 02/25/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p>Office Action Summary</p>	Application No. 10/623,703	Applicant(s) BOSSECKER ET AL.	
	Examiner Faye M. Fleming	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 13 and 16-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/03, 01/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Seki, et al. (5,462,308).

Seki discloses an occupant side-impact protection device 1 for a motor vehicle, comprising at least one unfoldable protection element 1 which, when unfolded, forms a curtain for protection of the head and chest region of the occupant, and a tensioning strap 26 configured so that, when the protection element is unfolded, the strap is tensioned between a first vehicle point and a second vehicle point and forms an obstacle against which an outwardly directed rear side of the unfolded protection element is supported. The tensioning strap is non-elastic. The tensioning strap is connected to the protection element in a longitudinally displaceable manner via guide elements 10 which are arranged on the outwardly directed rear side of the protection element. The guide elements comprise loops which are fastened to the protection element and through which the tensioning strap runs. The tensioning of the tensioning strap is brought about by the protection element unfolding, the tensioning strap being connected to the protection element at at least

one point. The tensioning strap extends from a first fastening point via at least one deflecting device 10 to a second fastening point. The tensioning strap is connected from a first fastening point in the region of the one vehicle pillar via a first deflecting device 10 in the region of the other vehicle pillar and a second deflecting device 10 in the region of the roof frame to a lower region of the protection element. The tensioning strap is connected from a first fastening point in the region of the one vehicle pillar via a first deflecting device 10 in the region of the other vehicle pillar, a second deflecting device 10 in the region of the roof frame and a third deflection provided 10 in the protection element to a fastening point in the region of the roof frame. The tensioning strap runs between a first, positionally fixed fastening point in the region of the one vehicle pillar and an essentially vertically running guide in the region of the other vehicle pillar, the tensioning strap being moved downwards along the vertical guide as the protection element unfolds. The tensioning strap runs between a first, essentially vertically running guide in the region of the front vehicle pillar and a second, essentially vertically running guide in the region of the rear vehicle pillar, and, in this case, when the protection element is not unfolded, runs in the region of the roof frame and, after the protection element is unfolded, runs in a downwardly shifted position with respect to it between the two guides. The guide is formed by a cable. The tensioning strap comprises a cable. The tensioning strap is formed at least in subregions as a strap of a certain width.

3. Claims 1, 5, 6 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschbach (6,375,216).

Eschbach discloses an occupant side-impact protection device for a motor vehicle, comprising at least one unfoldable protection element 15 which, when unfolded, forms a curtain for protection of the head and chest region of the occupant, and a tensioning strap 35 configured so that, when the protection element is unfolded, the strap is tensioned between a first vehicle point and a second vehicle point and forms an obstacle against which an outwardly directed rear side of the unfolded protection element is supported. The tensioning strap runs in a tube of fabric formed between the rear side of the protection element and a layer of fabric connected to the protection element. The strap is configured so that the tensioning of the tensioning strap is brought about by the protection element unfolding, the tensioning strap being connected to the protection element at at least one point. The unfolding element is an airbag. The airbag has at least one essentially vertically running chamber. The airbag has an essentially vertically running chamber at least in the region in which the tensioning strap is connected to the airbag.

Allowable Subject Matter

4. Claims 13 and 16-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

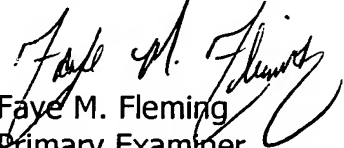
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
Art Unit 3616
02/21/05

fmf